

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

THE SUSTAINABILITY INSTITUTE,
AGRARIAN TRUST, ALLIANCE FOR
AGRICULTURE, ALLIANCE FOR THE
SHENANDOAH VALLEY, BRONX RIVER
ALLIANCE, CLEANAIRE NC,
CONSERVATION
INNOVATION FUND, EARTH ISLAND
INSTITUTE, LEADERSHIP COUNSEL FOR
JUSTICE AND ACCOUNTABILITY,
MARBLESEED, ORGANIC ASSOCIATION OF
KENTUCKY, PENNSYLVANIA ASSOCIATION
FOR SUSTAINABLE AGRICULTURE AND
RURAL ADVANCEMENT FOUNDATION
INTERNATIONAL-USA,
and
MAYOR AND CITY COUNCIL OF
BALTIMORE,
CITY OF COLUMBUS, CITY OF MADISON,
METROPOLITAN GOVERNMENT OF
NASHVILLE AND DAVIDSON COUNTY, CITY
OF NEW HAVEN, CITY OF SAN DIEGO

Plaintiffs,

v.

DONALD TRUMP, IN HIS OFFICIAL CAPACITY
AS PRESIDENT OF THE UNITED STATES,
KEVIN HASSETT, in his official capacity as
Assistant to the President for Economic Policy and
Director of the National Economic Council;
UNITED STATES OFFICE OF MANAGEMENT
AND BUDGET; RUSSELL VOUGHT, in his
official capacity as Director of the United States
Office of Management and Budget; UNITED
STATES ENVIRONMENTAL PROTECTION
AGENCY; LEE ZELDIN, in his official capacity
as Administrator of the United States Environmental
Protection Agency; UNITED STATES
DEPARTMENT OF AGRICULTURE; BROOKE

Case No. 2:25-cv-02152-RMG

**MOTION FOR LEAVE TO FILE
BRIEF OF AMICI CURIAE
NONPROFIT RECIPIENTS OF
FEDERAL FUNDING
IN SUPPORT OF PLAINTIFFS'
MOTION FOR A PRELIMINARY
INJUNCTION**

ROLLINS, in her official capacity as Secretary of Agriculture; UNITED STATES DEPARTMENT OF TRANSPORTATION; SEAN DUFFY, in his official capacity as the Secretary of the United States Department of Transportation; UNITED STATES DEPARTMENT OF ENERGY; CHRIS WRIGHT, in his official capacity as the Secretary of the United States Department of Energy; UNITED STATES DEPARTMENT OF GOVERNMENTAL EFFICIENCY SERVICE; AMY GLEASON, in her official capacity as Acting Administrator of the United States DOGE Service; ELON MUSK, in his official capacity as Senior Advisor of the United States DOGE Service.
Defendants.

Nonprofit recipients of federal funding ActiveSGV, Environmental Protection Network (EPN), Heru Urban Farming and Garden, Kalamazoo Climate Crisis Coalition, Landforce, and the MetroHealth System (collectively the “Nonprofit Grantees”) move for leave of this Court to file a brief as *amici curiae*. A copy of the proposed brief is attached to this motion.

Prior to filing, counsel for the Nonprofit Grantees sought consent from counsel for all parties. Plaintiffs consent to this motion. Defendants take no position on this motion.

Amici seek leave to file this brief within a reasonable time frame. Plaintiffs

STATEMENT OF INTEREST OF AMICI CURIAE

The Nonprofit Grantees are six nonprofit organizations that have been awarded federal grant funds, either as direct recipients or as sub-grantees, to carry out specific programs enacted by Congress under the Inflation Reduction Act (“IRA”) and Infrastructure Investment and Jobs Act (“IIJA”), along with other federal statutes. One *amicus*, Environmental Protection Network, is a technical service provider to over 500 federal grantees that have been impacted by the Executive Branch’s recent swath of grant freezes, terminations, certifications and amendments. *Amici* rely on these binding federal grant agreements to operate their programs, often filling critical gaps where federal, state and local institutions fall short. The Nonprofit Grantees seek to

assist the Court in its consideration of the harms that Executive Orders No. 14154, 14151, 14222 and resultant agency action have had on their organizations and program beneficiaries, as well as the American people, as a whole. Given their deep—and presently frustrated—commitments to American communities and dedication to delivering those communities benefits in partnership with our government, they have an interest in the instant matter.

Reasons Why a Brief of Amici Curiae Is Desirable

The classic role of the amicus curiae is to assist in a case of general public interest, supplement the efforts of counsel, and draw the court's attention to law that may otherwise escape consideration. *Miller-Wohl Co., Inc. v. Commissioner of Labor and Indus.*, 694 F.2d 203, 204 (9th Cir. 1982).

An *amici curiae* brief from the Nonprofit Grantees is desirable because they represent a broad swath of nonprofits who partner with government and bring their experiences of having their Constitutionally-protected speech chilled, being accused of engaging in “illegal” speech and activities, without defining what constitutes harm or what laws they break, and their reliance interest harmed as their funds are frozen without explanation.

For the reasons set forth above, the Nonprofit Grantees respectfully ask that they be granted leave to file their brief of *amici curiae*.

Respectfully submitted,

s/Kathleen McDaniel

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